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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/657,080	09/09/2003	Jean-Phillipe Crepeau	086162-0303054	9174
909	7590	12/08/2005	EXAMINER	
PILLSBURY WINTHROP SHAW PITTMAN, LLP			VANAMAN, FRANK BENNETT	
P.O. BOX 10500			ART UNIT	
MCLEAN, VA 22102			PAPER NUMBER	
			3618	
DATE MAILED: 12/08/2005				

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/657,080

Applicant(s)

CREPEAU ET AL.

Examiner

Frank Vanaman

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 29 September 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-13, 18 and 19 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-13, 18 and 19 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

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Election/Restrictions

1. Applicant's election without traverse of Species I in the reply filed on August 22, 2005 and September 30, 2005 is acknowledged. Applicant has canceled claims 14-17, directed to non-elected species.

An Office action on pending claims 1-13, 18 and 19 follows.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over the admitted prior art in view of Benoist (US 5,658,036). The admitted prior art (figures 3, 4 and paragraphs 0009 and 0010 of the specification) teach a land-going vehicle having a frame (paragraph 0009, line 4) to which fairings (42), having a first outer surface, are attached, the vehicle including a straddle seat (46) a steering device (44) understood to be inherently connected to a steerable member such as a wheel so that the steering device may actually direct the vehicle, an engine (not explicitly set forth, but understood to be inherently required for the successful operation of an ATV); a radiator (52) including a fill portion (under cap 50) which is positioned within an opening (figure 4) in the fairing at the front of the vehicle, constituting a central service location, the opening coverable by a cover (48) which has a peripheral edge. The admitted prior art fails to teach the fairing as further comprising a second surface positioned a distance from the first surface, and a third surface interconnecting the first and second surfaces, and further wherein (claims 7, 8) the cover includes a latch which engages with an opening in the fairing. Benoist teaches a vehicle service connection wherein a fairing (10/12) is provided as a single element having a first surface (e.g., 12) and a second surface (e.g., proximate 13) interconnected by a third surface, and further wherein a cover is provided

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(e.g., 20) with a latch (55) which engages in an aperture (58) in the fairing. It would have been obvious to one of ordinary skill in the art at the time of the invention to provide the opening of the fairing of the admitted prior art with a recessed second surface spaced from the first surface and connected thereto by a third surface as taught by Benoist for the purpose of limiting access to non-user-serviceable elements, ensuring that a user's hands or fingers do not contact moving parts in the vehicle engine compartment.

Further it would have been obvious to one of ordinary skill in the art at the time of the invention to provide the latch and mating aperture as taught by Benoist for the purpose of providing a selectively openable cover, for the prevention of unauthorized access. As regards claims 3 and 4, the reference to Benoist fails to explicitly teach the fairing structure as having been obtained by molding, however the use of molded parts in vehicle structure is very old and very well known, and as such, it would have been obvious to one of ordinary skill in the art at the time of the invention to make the parts from a molding process for the purpose of reducing manufacturing costs.

4. Claims 18 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over the admitted prior art in view of Benoist and Macadam (US 3,583,513). The admitted prior art, as modified by Benoist, is discussed above, and fails to teach the component as comprising at least one of an oil system, oil fill spout, battery, and coolant system, clustered with the first component. Macadam teaches an engine compartment arrangement wherein a radiator fill (44), battery (48), battery fill (52), engine oil system (38, 40), engine oil fill (36), washer fluid reservoir (56) and washer fluid fill (57) are clustered together under an openable cover (62). It would have been obvious to one of ordinary skill in the art at the time of the invention to cluster a plurality of components which require replenishment (e.g., fluid fills) of the vehicle of the admitted prior art as modified by Benoist, based on the teachings of Macadam, for the purpose of providing access to a large proportion of the systems which would require regular filling/service under a single opening, facilitating more convenient access.

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Conclusion

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Storms (US 1,825,134), Price (US 5,040,628), Templeton et al. (US 5,634,525), Itou et al. (US 5,816,643), Pajakowski (US 5,906,406), Meinke (US 6,508,501), and Andrew et al. (US 2003/0047366) teach vehicle structures of pertinence.

6. Any inquiry specifically concerning this communication or earlier communications from the examiner should be directed to F. Vanaman whose telephone number is 571-272-6701.

Any inquiries of a general nature or relating to the status of this application may be made through either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

A response to this action should be mailed to:

Mail Stop _____
Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450,

Or faxed to:

PTO Central Fax: 571-273-8300

F. VANAMAN
Primary Examiner
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12/6/03